



UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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APR 10 2003

Paper No. 9

In re Application of :
Gerd Eisenblätter : DECISION ON PETITION
Application No. 10/019,689 :
Filed: January 4, 2002 :
Attorney Docket No. 87305.0025 :

This is a decision on the petition filed on March 24, 2003 by which petitioner requests withdrawal of the holding that this application stands abandoned for failure to file a timely reply to the Office letter dated August 28, 2002. No fee is required for the petition.

The petition is granted.

Petitioner alleges that the application was not in fact abandoned because a timely reply to the Office letter in question was in fact filed. This allegation is supported by a copy of the reply, a copy of a petition for a three month extension of time, a copy of a check for the extension fee, and a copy of the filing receipt for the reply which shows that the reply and a petition for extension of time were in fact received in the Office on February 28, 2003. It is noted, however, that the copy of the petition for extension of time is not acceptable as evidence of the filing of a petition for extension of time in this application because it is a petition directed to a different patent application. However, it is also noted that the reply itself authorizes a charge for against counsel's deposit account for any necessary extension of time fee.

The showing described above clearly establishes that this application was not in fact abandoned. Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. As Office financial records do not show that the extension fee was paid, this application is being forwarded to the Head Supervisory Applications Examiner to charge Deposit Account No. 50-2036 in the amount of \$930.00, as authorized in the originally filed reply. The application will thereafter be forwarded to the examiner for action on the reply filed on February 28, 2003. In the event that the check submitted on February 28, 2003 is subsequently negotiated, petitioner may request a refund of the duplicate fee.

PETITION GRANTED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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